

To: Arrazola, Ignacio[arrazola.ignacio@epa.gov]; Victorine, Gary[victorine.gary@epa.gov]; Kamke, Sherry[Kamke.Sherry@epa.gov]; Egan, Robert[egan.robert@epa.gov]; Harris, Michael[harris.michael@epa.gov]
Cc: Kirby-Miles, Leslie[Kirby-Miles.Leslie@epa.gov]
From: Olson, Erik
Sent: Fri 3/17/2017 7:28:20 PM

Ex. 5 - Attorney Client

- Erik

From: Olson, Erik
Sent: Thursday, March 16, 2017 3:02 PM
To: Arrazola, Ignacio; Victorine, Gary; Kamke, Sherry; Egan, Robert; Harris, Michael
Cc: Kirby-Miles, Leslie

Ex. 5 - Attorney Client

- Erik

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From: Arrazola, Ignacio

Sent: Thursday, March 16, 2017 2:29 PM

To: Olson, Erik <olson.erik@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Kamke, Sherry <Kamke.Sherry@epa.gov>; Egan, Robert <egan.robert@epa.gov>; Harris, Michael <harris.michael@epa.gov>

Ex. 5 - Attorney Client

From: Olson, Erik

Sent: Thursday, March 16, 2017 1:53 PM

To: Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Kamke, Sherry <Kamke.Sherry@epa.gov>; Egan, Robert <egan.robert@epa.gov>; Harris, Michael <harris.michael@epa.gov>

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From: Arrazola, Ignacio

Sent: Thursday, March 16, 2017 12:07 PM

To: Victorine, Gary <victorine.gary@epa.gov>; Kamke, Sherry <Kamke.Sherry@epa.gov>; Egan, Robert <egan.robert@epa.gov>; Harris, Michael <harris.michael@epa.gov>; Olson, Erik <olson.erik@epa.gov>

Ex. 5 - Attorney Client

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From: Arrazola, Ignacio
Sent: Thursday, March 16, 2017 11:52 AM
To: 'Wawronowicz, Larry' <lwawronowicz@ldftribe.com>
Cc: Dee.allen@ldftribe.com; KHanson@ldftribe.com
Subject: RE: March 23 , 2017 Meeting.

Thanks Larry. We are in agreement that we need to characterize the source area correctly. To clarify – WDNR stated in its February 28 letter that it planned to install wells “this winter, once weather conditions improve.” In addition, the state indicated that it was evaluating response actions for the source area. Since EPA and the Tribe agreed, among other things, that completing the monitoring well network for the site is a priority; and that EPA would request the federal contractor to develop a feasibility report on excavation of source material at the site, the time to speak with the state is before it makes any decisions – with the goal of persuading the state to accept EPA and the Tribe’s shared view on these same technical questions (monitoring well placement and source removal evaluation).

I am not suggesting that we’ve lost the overall window of opportunity to consider an excavation remedy – but simply that resuming (facilitated) technical discussions with the state as soon as possible so that it has the benefit of the Tribe and EPA’s shared views before it makes any decisions impacting the site seems like a logical next step. Close coordination between the Tribe and EPA beforehand would be a given.

From: Wawronowicz, Larry [<mailto:lwawronowicz@ldftribe.com>]
Sent: Thursday, March 16, 2017 11:15 AM
To: Arrazola, Ignacio <arrazola.ignacio@epa.gov>
Cc: Dee.allen@ldftribe.com; KHanson@ldftribe.com
Subject: RE: March 23 , 2017 Meeting.

Ignacio,

Thanks for getting back to me. I am very concerned if we do not characterize the source area correctly, what good is using any funds to remediate the site, especially if

the remediation plan does not help comply with Tribal Standards?

Staff and I recall the following and hopefully provides you with a historical perspective:

The Tribe first requested help from EPA in 2011 (6 years ago). My expectation that source area excavation be completed by August 2015 was shared in the April 2015 meeting in Chicago attended by Tribal Staff, EPA Staff, as well as Tribal and EPA legal representatives. Excavation was again discussed at consultation in July of 2015. By the fall of 2015, the Tribe notified EPA of \$70,000 in source area removal funds that would require cooperative EPA delineation, planning and disposal effort and funds. EPA agreed to work with the source removal funding with delineation, excavation planning and implementation, and disposal. In March 2016, EPA completed 6 borings at the site. EPA, the Tribe, and EPA's contractor all recognized that the method scoped by EPA would not provide characterization at the water-table and below the water table and this is where the bulk of the source material remained. The Tribe even offered to pay for additional tooling added to the project, to make the field effort useful (\$3,500 for sensor tooling). During May 2016 Task Order review, the Tribe again reiterated the need to implement Cooperative Source Area Interim Action planning work. By June of 2016, the scoping for an Interim Action/Source Control Planning was included in a task order. Tribal comments and understanding was the report include excavation evaluation plus field activities appropriate for planning (test trench, draw down test). In July 2016, the State Contractor completed MIPHT work at the site with EPA staff present. Inconsistent with agreed planning, EPA onsite staff directed borings away from the source area. In September 2016, the Tribe completed source area delineation work needed for EPA's Interim Action excavation planning work. Unfortunately, EPAs effort reflected in the draft October 5, 2016 technical memo, did not include the expected excavation planning and feasibility work.

It seems to me that the excavation feasibility evaluation effort is at least 1.5 years overdue and if we missed the window of opportunity it's because of the above!

Thanks

Larry

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Larry Wawronowicz

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From: Arrazola, Ignacio [<mailto:arrazola.ignacio@epa.gov>]

Sent: Wednesday, March 15, 2017 6:29 PM

To: Wawronowicz, Larry

Cc: Allen, Dee; Hanson, Kristen

Subject: Re: March 23 , 2017 Meeting.

Thanks Larry. We'll try to make the 23rd work. Let me check with folks here and get back to you. Are you suggesting that we not speak with the state until the feasibility study on excavation is completed this summer? If memory serves me, that was one of the action items (I'm on my phone and can't see the attachment at the moment). I am very concerned that we may lose our window of opportunity to engage meaningfully with the state - which has control over the majority of the funds available to remediate the site.

- Ignacio

On Mar 15, 2017, at 5:58 PM, Wawronowicz, Larry <lwawronowicz@ldftribe.com> wrote:



Ignacio,

I do not think moving the March 23rd meeting to an earlier date is going to work for the Tribe because staff and I are at different meetings and will be difficult to coordinate. I would prefer to keep the original date in order for Anthony Greenwater to develop a list of participants and an agreed upon agenda and to facilitate the meeting. I know he is away until the 21st, so he will have his work cut out for him when he gets back. Also, any future discussions with Wisconsin DNR should not occur until the agreed upon action items associated with 2/23/17 meeting have been completed by EPA and the Tribe (See Attached file).

Thanks

Larry Wawronowicz

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